
By: **Delegates Kelly, O'Donnell, and Owings**
Introduced and read first time: February 7, 2003
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Assault in the Third Degree**

3 FOR the purpose of establishing the crime of third degree assault; establishing the
4 elements of and penalties for third degree assault; providing that proof of
5 physical injury is not a defense; requiring that third degree assault be charged
6 in a certain manner; providing that third degree assault is not a lesser included
7 offense of any other offense; and generally relating to third degree assault.

8 BY adding to
9 Article - Criminal Law
10 Section 3-203.1
11 Annotated Code of Maryland
12 (2002 Volume)

13 BY repealing and reenacting, with amendments,
14 Article - Criminal Law
15 Section 3-206(a)
16 Annotated Code of Maryland
17 (2002 Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Criminal Law**

21 3-203.1.

22 (A) A PERSON MAY NOT:

23 (1) INTENTIONALLY CAUSE UNREASONABLE PHYSICAL CONTACT THAT
24 DOES NOT RESULT IN PHYSICAL INJURY TO ANOTHER WHO DOES NOT CONSENT TO
25 THE CONTACT;

26 (2) ENGAGE IN UNREASONABLE CONDUCT INTENDING TO PUT
27 ANOTHER IN FEAR OF IMMINENT OFFENSIVE PHYSICAL CONTACT; OR

1 (3) ATTEMPT TO CAUSE UNREASONABLE PHYSICAL CONTACT TO
2 ANOTHER WHO DOES NOT CONSENT TO THE ATTEMPTED CONTACT.

3 (B) IT IS NOT A DEFENSE THAT PHYSICAL INJURY RESULTED.

4 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE
5 MISDEMEANOR OF ASSAULT IN THE THIRD DEGREE AND ON CONVICTION IS SUBJECT
6 TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR
7 BOTH.

8 (D) AN OFFENSE UNDER THIS SECTION SHALL BE INITIATED BY FILING A
9 STATEMENT OF CHARGES, CITATION, OR CRIMINAL INFORMATION IN THE DISTRICT
10 COURT.

11 (E) UNLESS A VIOLATION OF THIS SECTION IS SPECIFICALLY CHARGED,
12 ASSAULT IN THE THIRD DEGREE UNDER THIS SECTION MAY NOT BE TREATED AS A
13 LESSER INCLUDED OFFENSE OF ANY OTHER OFFENSE.

14 3-206.

15 (a) An indictment, information, other charging document, or warrant for a
16 crime described in § 3-202, § 3-203, § 3-203.1, or § 3-205 of this subtitle is sufficient
17 if it substantially states:

18 "(name of defendant) on (date) in (county) assaulted (name of victim) in the
19 degree or (describe other violation) in violation of (section violated) against the peace,
20 government, and dignity of the State."

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2003.